IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.8179 of 2004

Mrs.Yashodhara Madhav Kamat & anr. Petitioners
Vs.
The City and Industrial Development
Corporation of India Ltd. & ors. Respondents

Mr.G.S.Godbole for petitioners.
Mr.G.S.Hegde for resp.no.1.

CORAM: B.H.MARLAPALLE & J.H.BHATIA,JJ.
November 13, 2006.

P.C.

. Heard the learned counsel for the respective parties. Perused the affidavit-in-reply filed by the respondent no.1.

. The grievance raised in this petition is regarding allotment of plots by the respondent no.1 to the petitioners under the scheme framed by the Government of Maharashtra and which is popularly known as 12.5 percent scheme. The land belonging to the petitioners' father - Dr.Venkatrao Kaikini came to be acquired by the State Government and after its acquisition it has been handed over to the respondent no.1 which is the special planning authority appointed by the Government of Maharashtra under G.R. dated 28/10/1994. The respondent no.1 in its affidavit has stated that on account of some pending

litigations and more particularly RCS No.117 of 1999 and Special Civil Suit No.416 of 2001, the allotments to be made to the petitioners under the 12.5 percent scheme could not be undertaken. Apparently there is no dispute regarding the eligibility of the petitioners for allotment of such plots.

. We, therefore, direct that the respondent no.1 shall allot the plots under the 12.5 percent scheme to the petitioners strictly as per their eligibility under the said scheme within a period of six weeks from today and though the petitioners will be entitled to take possession of the said plots, they shall not be entitled to create any third party interest in any manner or for taking such steps for its development until the pending civil suits are finally decided / disposed.

. The petition is disposed off with the above directions.

. Writ to go to the concerned respondents forthwith.

(J.H.BHATIA,J.) (B.H.MARLAPALLE,J.)